

Danner, Ward

From: Huetteman, Tom
Sent: Wednesday, September 24, 2014 11:51 AM
To: Haklar, James; Armann, Steve
Cc: 'schulz.susan'; Beach, John; Baylor, Katherine; Santos, Carmen; Wilson, Patrick
Subject: RE: PRESS RELEASE: District Attorney Called on New PCB Findings in Malibu

EXEMPTION (b)5 - Internal Deliberative (all redactions)

Tom Huetteman, Assistant Director
RCRA Branch, Land Division, USEPA Region 9
415-972-3751

From: Haklar, James
Sent: Wednesday, September 24, 2014 11:45 AM
To: Armann, Steve
Cc: 'schulz.susan'; Huetteman, Tom; Beach, John; Baylor, Katherine; Santos, Carmen; Wilson, Patrick
Subject: RE: PRESS RELEASE: District Attorney Called on New PCB Findings in Malibu

[REDACTED]



Air Sample Data - July 2010 through PS 309K Brooklyn, NY

	Event	# Areas Sampled	Sample Collection Date	Daily Average Indoor Temp (°F)	Sample Conditions
Classrooms	Pre-Remediation Round 1	6	7/13/10 7/14/10	77.0 85.7	Windows & closed, wires off, Exhaust Ventilator
	Pre-Remediation Round 2	6	07/24/10	83.2	Windows & closed, wires off, Exhaust Ventilator
	Post-Remediation	6	08/01/10	82.4	Windows & closed, wires off, Exhaust Ventilator
	Post-Ventilation	6	08/04/10	85	Doors closed, A/C off, Windows open, Exhaust Ventilator
	Post-Light Fixture Replacement	38	08/26/10	73.8	Doors closed, A/C off, Windows open, Exhaust Ventilator
	February 2011 Sampling	10	02/25/11	(6)	Doors closed, windows open, Exhaust Ventilator
	Pre-Remediation Round 1	8	07/13/10	77.0	Windows & closed, wires off, Exhaust Ventilator
	Pre-Remediation Round 2	5	07/24/10	83.2	Windows & closed, wires off, Exhaust Ventilator

From: Armann, Steve
Sent: Wednesday, September 24, 2014 1:45 PM
To: Haklar, James
Cc: 'schulz.susan'; Huetteman, Tom; Beach, John; Baylor, Katherine; Santos, Carmen; Wilson, Patrick
Subject: RE: PRESS RELEASE: District Attorney Called on New PCB Findings in Malibu

James, thanks.

[REDACTED]

Steven S. Armann, Manager
Corrective Action Office (LND-4-1)
USEPA Region 9
75 Hawthorne Street
San Francisco, CA 94105

Phone: 415-972-3352
Fax: 415-947-3533
Email: armann.steve@epa.gov

From: Haklar, James
Sent: Wednesday, September 24, 2014 10:42 AM
To: Armann, Steve
Cc: 'schulz.susan'
Subject: FW: PRESS RELEASE: District Attorney Called on New PCB Findings in Malibu

Steve,

[REDACTED]

[REDACTED]

[REDACTED]

Jim

James S. Haklar, Ph.D.
Sr. PCB Disposal Specialist
Division of Enforcement and Compliance Assistance

(732) 906-6817

From: Armann, Steve
Sent: Wednesday, September 24, 2014 10:05 AM
To: Schulz, Susan
Cc: Gorman, John; Haklar, James
Subject: RE: PRESS RELEASE: District Attorney Called on New PCB Findings in Malibu

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From: Schulz, Susan
Sent: Tuesday, September 23, 2014 6:17 PM
To: Armann, Steve
Cc: Gorman, John; Haklar, James
Subject: RE: PRESS RELEASE: District Attorney Called on New PCB Findings in Malibu

. Susan

From: Armann, Steve
Sent: Tuesday, September 23, 2014 4:51 PM
To: Mottley, Tanya; Sasseville, Sonya; Sullivan, Greg
Cc: Baney, Tony; Hensley, Amy; Simons, Tom; Gimlin, Peter; Finn, Molly; Tisa, Kimberly; Gorman, John; Schulz, Susan; Scott, Jeff; Huettelman, Tom; Santos, Carmen; Lieben, Ivan; Wilson, Patrick; Wedell, Kelly
Subject: FW: PRESS RELEASE: District Attorney Called on New PCB Findings in Malibu

For Immediate Release: Monday, September 22, 2014
Contact: Kirsten Stade [PEER] (202) 265-7337; Jennifer deNicola [Malibu Unites] (310) 945-2566

DISTRICT ATTORNEY CALLED ON NEW PCB FINDINGS IN MALIBU SCHOOLS
School District Threatens Fearful Children with Truancy, Teachers with Termination

New independent lab testing shows even more classrooms in Malibu public schools with toxic contamination thousands of times greater than permitted under federal law, according to test results released today by Malibu Unites and Public Employees for Environmental Responsibility (PEER). These EPA-certified laboratory results have been turned over to the Los Angeles District Attorney's Office for review under state laws outlawing child endangerment and failure to disclose dangerous conditions.

"We are frustrated that politics and fear of liability have prevented both our school district and EPA from protecting our children and teachers from exposure to cancer-causing PCBs," said Jennifer deNicola, President of Malibu Unites, a 501(c)(3) made up of parents, scientists and citizens for safe schools. "We have turned to the Los Angeles District Attorney to seek enforcement of the law."

For months, the Malibu Middle and High Schools and Juan Cabrillo Elementary School have been roiled by discovery of illegal levels of contaminants, including extremely high concentrations of polychlorinated biphenyls (PCBs) found in window and door caulk, ventilator dust and soil. The Santa Monica-Malibu Unified School District claims that all buildings are safe to occupy and yet some rooms have been closed off; meanwhile tests continue to come in showing that classrooms currently occupied by students and teachers have PCBs that exceed safe limits set by federal law. The district continues to refuse to do additional source testing despite requests by parents, teachers and most recently by the Malibu Mayor and City Council. It has also rejected an offer by Malibu parent and supermodel Cindy Crawford and Rande Gerber to personally pay for source testing.

In July, samples taken from several Malibu school facilities showed illegal PCB levels dramatically higher than previously reported – as much as 7400 times higher than legal limits and the highest known results for a classroom in the U.S. In September, new samples from five classrooms and a caulk sample from an unannounced removal operation showed four classrooms testing above the federal Toxic Substance Control Act limit of 50 parts per million (ppm). One classroom sample tested at 231,000 ppm (more than a quarter of the caulk consisted of PCBs) while another contained 146,000 ppm.

“These EPA lab-certified tests results are alarming and require immediate action as children are sitting in classrooms every day that vastly exceed the legal health standard,” added Kurt Fehling, a health scientist working with Malibu Unites.

“Concentrations that high in the caulk leave no doubt that significant exposure may be occurring.” The Mayor of Malibu, Skylar Peak, also warned the Santa Monica-Malibu School Board “Your school board’s data as well as other independent data, done at credible testing facilities indicates that at least nine buildings [at Malibu High School] exceed the legal allowable standard for PCBs. It’s unsafe.”

Cindy Crawford and numerous other parents have decided to remove their children from Malibu High and home school their children. At the same time, the District is threatening truancy proceedings against children whose parents have requested that their child not attend classes in contaminated classrooms which have high levels of PCBs. Teachers resisting assignment to classrooms with PCBs above federal law have also been threatened with termination.

“For the District and EPA to say certain rooms are unsafe but others constructed at the same time from the same materials are just fine makes absolutely no sense,” stated PEER Senior Council Paula Dinerstein who last month filed a notice of intent to sue both the District and EPA for violations of the Toxic Substances Control Act on behalf of both Malibu teachers and parents. “Air and dust testing have no legal basis and offer no assurance that students and teachers will not be directly exposed to hazardous material. The law requires that these contaminants be removed.”

The Environmental Crimes Section of the District Attorney’s Office is reviewing the latest test results for violations of several California state statutes, including Maintaining a Public Nuisance, in violation of California Penal Code Section 372; Child Endangerment in violation of Penal Code Section 273a; and Failing to Disclose a Serious Concealed Danger in violation of Penal Code Section 387.